

MINUTES
Board of Building & Zoning Appeals
City of Willoughby Hills, Ohio

August 11, 2015

CALL TO ORDER: 8:29 pm

Start of meeting delayed for full quorum.

Roll Call:

PRESENT: Chairman Frank Cihula, Vice Chairman John Klements, Robert Bartolotta and James Michalski
ABSENT: Mark Kotoch
ALSO PRESENT: Clerk, Katherine Lloyd

Mr. Kotoch advised the Chairman that he would be out of town for this meeting.

MOTION: John Klements moved to excuse Mark Kotoch from tonight's meeting.
Seconded by Bob Bartolotta.
Voice Vote: Ayes unanimous.
Motion passes: 4/0.

DISPOSITION OF MINUTES of July 14, 2015

MOTION: John Klements moved that the Board approve Minutes of July 14, 2015 as submitted.
Seconded by James Michalski
Roll call: Ayes Unanimous
Motion passes: 4/0.

CORRESPONDENCE

- Notification Letter dated 7/29/15 sent to property owners within 500 feet of property at 36910 Chardon Rd.
- Notification dated 7/29/15 sent to News-Herald on 7/29/15 re: August 11, 2015 BZA meeting.
- Letter dated 7/28/15 to Mr. Michael Faralli re: Case 2015-2 Decision

CASE 2015-03

Thomas S. and Laura L. Krus, 11907 Raintree Dr. Munson Twp, request a variance to construct an addition to a nonconforming detached garage at 36910 Chardon Rd. The existing detached garage has a west side lot line clearance of 4.1 feet and a setback of 134.1 feet from the ROW. The addition is to have a 7.1 foot west side lot line clearance and a setback of 73.1 feet from the ROW. The existing garage was constructed in 1932 and is lawfully nonconforming per Section 1121.02(a) of the Codified Ordinances. Section 1121.04(a) requires that a nonconforming structure shall not be added to or enlarged unless the addition conforms to the requirements of the district for accessory buildings, that being 15 feet clear distance from the side lot line and 200 feet setback from the edge of the right of way. Note: ROW to the centerline at closest point to the addition is 73.45 feet.

Notice was mailed to property owners within 500 feet of said property. Drawings were available for review in the lobby of City Hall. Legal notice was advertised in The News-Herald on Saturday, August 1, 2015.

PRESENT: Thomas S. & Laura L. Krus and Jack Fay (Fay Architect)

Stated reason for variance request:

The applicants are rehabilitating and restoring this historic property. They would like to construct a 30x60 foot addition onto the existing 20x20 foot detached garage because they need more storage. They searched for another flat location for an 1800 square foot structure on the large wooded 6-acre property. Their search was hampered by

its many challenging topographical features. The most practical location for the need storage was determined to be an addition to the existing garage, where it will be heavily screened by vegetation. The right of way is very large due to the Rt. 6 bridge and road improvement by the State. The proposed architecture will be compatible with the existing structure and the main house. Placing it deeper into the property would entail tree removal, paving, additional drainage considerations and remoteness of access.

The applicants currently live at 2261 River Road in Willoughby Hills during the renovation process. However, their mailing address continues to be 11907 Raintree Drive, Munson Township 44024.

Board's Discussion:

Before the high level bridge was built on Route 6 in 1952, Chardon Road was a lot lower and the ROW was 60 foot. When they built the bridge, they raised the road and moved it south. Everything that was filled in is considered ROW. The ROW in front of this property is very large. It gives the appearance that the proposed building is much closer.

The applicants have done their 'due diligence' and have determined that this is the flattest and most economically feasible location due to the topography of the property. Diagrams and plans were displayed for the general public.

Public Portion for Case 2015-03 opened at 8:41 p.m.

Matt Danford, 2755 River Rd.

I own the adjoining property to the west. We already have a water run-off issue. I have addressed my concerns to the Building Department. The Building Commissioner has looked at it. The Department of Water & Soil Conservation looked at the pipe as well as the culvert that flows under Route 6. No one knows the origin of the pipe, who owns it and who should fix the erosion. Copies of his email of August 8, 2015 re: drainage and photographs were shown to the Board. He indicated the location of his property.

I am concerned about the addition of 1800 square feet of non-permeable surface area to the existing rain water run-off problem.

Board: Stormwater Management must be evaluated by the Zoning Inspector and the City Engineer. The storm water issue would also be addressed by the PCABR when the architectural project is reviewed. Building Code requires that an accessory buildings, such as this, must be behind the main building (house) or at least 200 feet setback from the ROW. Because the ROW is far wider at this measuring point, the numbers are misleading as to how far it will appear.

Public Portion for Case 2015-03 closed at 8:47 p.m.

The applicants and their architect have looked at all the options before deciding on the most feasible and cost effective plan. This is a very unique and a very large lot. There would be very limited visibility.

The architect stated that Polaris is the surveyor and the civil engineer for the project. The applicant intends to have Polaris determine the appropriate storm water management for the building so it can be submitted with the building permit application.

MOTION: John Klements moved that the Board approve Case 2015-3 as requested and grant a variance to the property located at 36910 Chardon Rd with a 7.1 foot west side lot clearance and a 73.1 foot setback from the right of way with the stipulation that the project meet all the storm water requirements of the City of Willoughby Hills and the State of Ohio.
Seconded by Robert Bartolotta
Roll call: Ayes unanimous.
Motion passes 4/0.

The decision of the BZA is good for one year. Applicant will contact the Building Commissioner for the further review and the Building Permit.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

CHAIRMAN'S COMMENTS

There will be an appeal for the September 8th meeting.

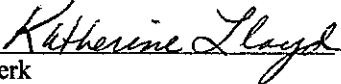
MOTION: John Klements moved to adjourn; seconded by Robert Bartolotta
Voice vote: Ayes unanimous.
Motion passes 4/0

Meeting adjourned at 9:05 pm

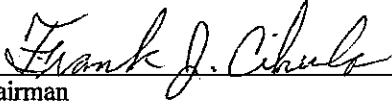
Note that it is the policy of the Board to make site visits to guide them in making their decisions.

Note that BZA meetings are recorded and recordings are considered a public record.

All decisions of the Board of Building and Zoning Appeals are final within the City of Willoughby Hills. Any interested party may appeal the Board's decision to the Court of Common Pleas of Lake County, as provided for by Ohio Law.


Clerk

9/1/15 kdl


Chairman

Date Approved: 9-8-2015